

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROBERT GARZA,

Petitioner,

vs.

BRAD HANSEN,

Respondent.

8:19CV23

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. Robert Garza filed with the court a “Request for Relief from Judgment as an Independent Action” pursuant to Federal Rule of Civil Procedure 60(d)(1) which has been docketed as a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. ([Filing No. 1](#).) Upon examination, the court believes Garza’s pleading is more properly construed as a motion for relief from judgment pursuant to Rule 60(d)(1), rather than a new habeas petition. Accordingly,

IT IS ORDERED that:

1. The clerk of the court is directed to close this case for statistical purposes.
2. The clerk of the court is directed to file Garza’s “Request for Relief from Judgment as an Independent Action” ([filing no. 1](#)) as a motion in Garza’s closed habeas case found at case number 8:18CV276.

Dated this 30th day of January, 2019.

BY THE COURT:

s/ Richard G. Kopf

Senior United States District Judge